

NOV 03 2004 2:08PM

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NO. 451 P. 1

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**To:**

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**FROM:** Robert A. Saltzberg (Reg. No. 36,910)**DATE:** November 3, 2004

Number of pages with cover page:	12	Originals will NOT follow.
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**Contents of this Transmission:**

Atty Docket No.: 249212015000

Inventor: Hitesh TRIVEDI

Application No.: 09/865,215

Filing Date: May 24, 2001

Group Art Unit: 2651

Examiner: F. Tzeng

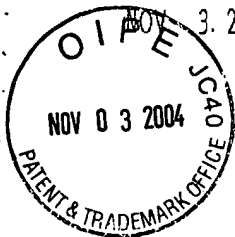
Title: MAGNETIC TRACK FOLLOWING SERVO ALGORITHM USING SIGNAL QUALITY

**Documents Filed:**

1. Transmittal (1 page);
2. Power of Attorney (1 page);
3. Statement under 3.73(b) with courtesy copy of recorded assignment (5 pages total);
4. PTOL-85 w/duplicate copy for fee processing (2 pages); and
5. Comments on the Statement of Reasons for Allowance (2 pages).

**Comments: Please see the attached documents. Thank you.**

sf-1776554



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PTO/BB/21 (02-04)

Approved for use through 07/31/2008, OMB 0851-0031

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/865,215
		Filing Date	May 24, 2001
		First Named Inventor	Hitesh TRIVEDI
		Art Unit	2651
		Examiner Name	F. Tzeng
Total Number of Pages in This Submission	11	Attorney Docket Number	249212015000

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney (1 page) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): * Statement under 3.73(b) with courtesy copy of recorded assignment (5 pages total) * PTOL-85 Form (in duplicate, 2 pages total) * Comments on the Statement of Reasons for Allowance (2 pages)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer Number 20872) Robert A. Saltzberg - 36,910
Signature	<i>Robert Saltzberg</i>
Date	November 3, 2004

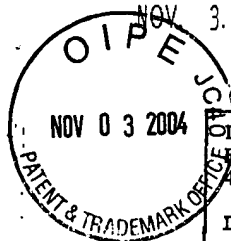
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Mail Stop ISSUES FEE, facsimile no. (703) 746-4000, on the date shown below.	
Dated: November 3, 2004	Signature: <i>Christa Carter</i> (Christa Carter)

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Mail Stop ISSUE FEE, facsimile no. (703) 746-4000, on the date shown below.

Dated: November 3, 2004 Signature:

*Christa Carter*  
(Christa Carter)

Docket No.: 249212015000  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hitesh TRIVEDI

Allowed: August 3, 2004

Application No.: 09/865,215

Confirmation No.: 2590

Filed: May 24, 2001

Art Unit: 2651

For: MAGNETIC TRACK FOLLOWING  
SERVO ALGORITHM USING SIGNAL  
QUALITY

Examiner: F. Tzeng

**COMMENTS ON STATEMENT OF REASONS  
FOR ALLOWANCE UNDER 37 CFR §1.104(E)**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant has received the Examiner's Statement of Reasons for Allowance with the August 3, 2004 Notices of Allowance and Allowability regarding the above-identified application. Entry of the Statement into the record should not be construed as any agreement with or acquiescence in the reasoning stated by the Examiner. Each of the claims stands on its own merits and is patentable because of the combination it recites and not because of the presence or absence of any one particular element.

In particular, Applicant respectfully proposes that the Statement of Reasons for Allowance would more accurately reflect the current claims if it read as follows:

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Application No.: 09/865,215

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Docket No.: 249212015000

"Claims 1, 3-10, 12-20, and 22-39, which are now renumbered as claims 1-36, are allowable over the prior art of record because none of the prior art of record teaches or fairly suggests a system, apparatus or method for controlling a data head in a tape drive, comprising: determining signal quality based on user data read from a data track; and adjusting the position of the data head until a predetermined level of improvement in the signal quality is achieved."

The amended Statement more accurately reflects the language of the current claims. For example, the claims recite controlling a data head in a tape drive, not in a disk drive.

If the Examiner agrees with the proposed language, Applicant respectfully requests that the Examiner issue a Supplemental Statement of Reasons for Allowance.

The Examiner's Statement was not prepared by Applicant and only contains the Examiner's possible positions in one or more reasons for allowability. Thus, any interpretation with respect to the Examiner's Statement of Reasons for Allowance should not be imputed to the Applicant.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 249212015000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: 11/3/04

Respectfully submitted,

By Robert A. Saltzberg

Robert A. Saltzberg

Registration No.: 36,910

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